



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request to Join in Amicus Brief Requesting Certiorari by the United States Supreme Court in the case of Lim v. City of Long Beach, United States Court of Appeals, 9th Circuit.

MEETING DATE: November 1, 2000

PREPARED BY: Randall A. Hays, City Attorney

RECOMMENDATION: The City join the Amicus Brief requesting Certiorari of the United States Supreme Court in the case of Lim v. City of Long Beach.

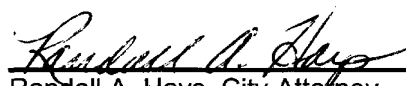
BACKGROUND: Amicus Briefs are filed in various actions, which involves matters of wide-ranging concern to provide information and additional argument to the Court in order to assist the Court in understanding all of the issues and arrive at a conclusion.

This case involves a challenge to the City of Long Beach's Adult-Oriented Business Ordinance. The predominant arguments in the challenge to the Ordinance deal with the question of what constitutes a good faith effort on the part of the City to provide potentially available properties for the utilization of adult-oriented businesses. The Ninth Circuit in this case has placed a much heavier burden on the City than has thought to exist in the past relative to the establishment of viable spaces or properties for the location of adult-oriented businesses. This current effort is being undertaken in order to convince the United States Supreme Court that this is a case worthy of their consideration. The argument that will be made before the Supreme Court if the case is accepted, is that the relevant market for sites does not require that sites be unoccupied and camera ready for an existing adult use operator.

This case is important to cities since if heard, it will further define the obligations of a city relative to providing available opportunities for the location of adult businesses in communities.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____


H. Dixon Flynn -- City Manager